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SUBJECT: UNHRO reports continued deficiencies
in Congolese justice

[1](#)1. (SBU) Summary: The United Nations Human Rights Office's (UNHRO) Monthly Human Rights Assessment of the DRC for October 2007, released November 28, 2007, describes numerous violations highlighting the inadequacies of the country's justice system at all levels including the police, the courts, and the prisons. This message summarizes a number of representative cases. End Summary

[1](#)2. (U) In its October Human Rights Report, UNHRO reported a sustained pattern of human rights violations at many different levels of society and in all regions of the DRC. Three representative cases implicate a senior Congolese general in the abuse of military magistrates, National Police (PNC) officers in the harassment and illegal detention of political activists and journalists, and prison officials in deficient prison management and security.

[1](#)3. (U) General Jean-Claude Kifwa, Commander of the 9th Military Region and a cousin of President Kabila, and his security detail attempted to arrest three military magistrates in Kisangani, Orientale province on September 30, 2007. One of the magistrates managed to escape. The soldiers stripped and severely beat the other two in front of their families and took them to the Katele military camp, where they were again beaten. The following day, they put the two on public display during a military parade organized by Kifwa. When released, the victims were admitted to the hospital in serious condition, where they remained for 10 days.

[1](#)4. (U) On October 2, all civilian and military magistrates in Kisangani went on strike and signed a memorandum addressed to President Kabila condemning the use of torture and cruel and inhumane treatment as well as the violation of independence of the judiciary by senior military commanders. They also called for the suspension of General Kifwa and his subordinates and that they be brought to justice. The strike was called off after two weeks.

[1](#)5. (U) Three delegations from Kinshasa investigated the case: two military delegations and one composed of the justice and human rights ministers. To date, none of the groups has released a report. General Kifwa and his security detail have not been sanctioned. All three magistrates have resumed work. UNHRO told poloff they had been arrested and beaten because they had objected to two pending cases being tried in military, instead of civilian, courts.

[1](#)6. (U) On October 30, officers of the Congolese National Police (PNC) in Kinshasa broke up a planned march organized by parties not represented in Parliament. They had planned to march 500 meters to deliver a memorandum to the National Assembly, but appear to have ignored legal procedures requiring five days advance written notice for demonstrations.

[1](#)7. (U) However, according to Congolese NGO "Journalistes En Danger" (JED), PNC officers arrested not only march organizers Gaston Dindo

and Moise Moni Dela of Jean-Pierre Bemba's former electoral platform l'Union pour la Nation (UN), but 11 other journalists as well. JED claimed the officers beat the journalists severely for an hour, ostensibly for attempting to cover the event. The officers then put them into trucks and stripped them of all their belongings. The officers released the 11 after detaining them for an additional hour.

18. (U) Throughout the month of October, there were mass escapes from prisons and holding cells in many areas of the DRC, including Katanga, Orientale, and Equateur provinces. On October 15 an attempted escape in Buluwo, Katanga resulted in five deaths, including three security force members, and 11 wounded. The escape and subsequent violence were triggered by a decision by the Acting Deputy Director of the prison to provide the PNC and FARDC prison guards with food from the inmates' food stocks, which had been donated by the governor. On October 16-17 a group of 14 inmates escaped from Mahagi Central Prison in Orientale. In Gemena, Orientale 10 men escaped from the local prison October 17-18. On October 21-22, ten suspects escaped from a PNC holding cell in Thedaja, Orientale. Five inmates escaped from Gbadolite Central Prison in Equateur during the period October 16-22.

19. (SBU) Comment: The weakness of the Congolese justice system at all levels means few individuals are held accountable for their actions. This impunity is a prime contributing factor to continued human rights violations. Without the political will to hold individuals to account, this situation is likely to continue. End Comment.

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